

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
August 29, 2024

Present:

Councillors Cheryl Barros, Gord Lawlor, Scott Pfeiffer, and Kurt Baker, Development Officer Angela Stormoen and Planning & Operations Clerk Maddie Standage

1. **Call to Order:** Chairman Cheryl Barros called the meeting to order at 8:30 a.m.

2. **Additions to Agenda**

None.

3. **Approval of Agenda**

Moved by Councillor Kurt Baker to accept the agenda as presented.

MOTION CARRIED

Unanimous

4. **Confirmation of the August 8, 2024 MPC Meeting Minutes**

Moved by Councillor Scott Pfeiffer that the Minutes of the August 8, 2024 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

None.

6. **Development Application:** 3362-2022 (renewal)

Applicant: Interpipeline

Legal: Lot 8, Block 1, Plan 1423887

Municipal: 4801 – 75 Street

Proposed Development: Temporary Structure – Metal Freight Container

Director of Planning and Development read a report that follow:

General:

The applicant is requesting a renewal for the 20' by 8' secure seacan for the purpose of storage which was previously approved by Municipal Planning Commission on June 9, 2022. With the original approval having expired the applicant is requesting a renewal as per the condition of the original development permit.

The original application was for the 20' x 8' seacan along the southeast side of the building. The seacan is currently located at the same location as originally proposed and painted the same colour as the principal building. (Please see attached images)

Under the current C2: Commercial Highway District, Temporary Structures would be considered a Discretionary Use: All Permitted Uses within the Industrial District. The Industrial District does list a Permitted Use for a Temporary Structure, however under Section 56.2 it states "Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.

When considering an application for discretionary use, MPC shall have regard to the "design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties."

When considering this proposed development, MPC must consider the Highway Commercial District and the intent of the Highway Commercial Design Guidelines.

Development Review:

See Attached Land Use Bylaw Review of the following sections:

Section 9: Definitions

Section 19: Decision specifically 19.3 Discretionary Uses

- 19.3.3 Shall refuse the application if the proposed development does not conform to this Bylaw

Section 21: Variance Authority

Section 56: Temporary Structures specifically 56.2:

- Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.

Section 85: C2 Commercial Highway District

- Discretionary Use: "All Permitted Uses within the Industrial District"

Section 87: I Industrial District

- Permitted Use: "Temporary Structure"

Section 95: OH Overlay Highway Design Guidelines District

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw.

Recommendation:

That the Municipal Planning Commission approve this application subject to the following conditions:

1. The Development Permit is valid for a 24 month period at which time the applicant can apply to renew;

2. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
3. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
4. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation.
5. The applicant must ensure that the temporary structure is maintained in good repair and do not become in a state that constitutes a nuisance under the Town of Stettler Nuisance Bylaw 1945-07;
6. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;

Discussion

Councillor Gord Lawlor advised that in his opinion the structure looks well maintained.

Discussion ensued regarding the 24 month timeframe of the permit extension and the advantages and disadvantages of extending the timeframe.

Moved by Councillor Gord Lawlor to approve the application as presented.

MOTION CARRIED

Unanimous

7. **Development Application:** 3525-2024

Applicant: Storm Mountain Outfitters

Legal: Lot 7, Block 1, Plan 1423887

Municipal: 4805 A&B – 75 Street

Proposed Development: Temporary Structure – Metal Freight Container & Billboard

Director of Planning and Development read a report that follow:

General:

The applicant is proposing a 40' by 10' sea can for the purpose of storage and billboard for one year. The applicant is proposing the sea can be placed approximately 15 meters east of the principal building. (See attached images)

In 2022, the previous business owner was issued a development permit for an interior renovation which included a condition allowing the placement of the seacans on the lot, however, to be removed within 21 days after the building permit was closed. The seacans were placed on the lot and the renovation did not occur. The business has since transitioned to new ownership and after conversation with the owner, all but one seacan has been removed. The owners request is to keep one seacan for additional storage until the business relocates to a new building in one year.

Furthermore, they have freshly painted the Secan and requested the seacan remain at its current location and be utilized as a billboard for advertising brand names they carry in store.

Under the current C2: Commercial Highway District, Temporary Structures would be considered a Discretionary Use: All Permitted Uses within the Industrial District. The Industrial District does list a Permitted Use for a Temporary Structure, however under Section 56.2 it states "Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.

Furthermore, as per section 66 of the Town of Stettler Land Use Bylaw 2060-15, billboards shall not be issued a development permit unless the billboard is located on a lot abutting Hwy 12/56.

When considering an application for discretionary use, MPC shall have regard to the "design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties."

When considering this proposed development, MPC must consider the Highway Commercial District, Land Use Bylaw and the intent of the Highway Commercial Design Guidelines.

Development Review:

See Attached Land Use Bylaw Review of the following sections:

Section 9: Definitions

Section 19: Decision specifically 19.3 Discretionary Uses

- 19.3.3 Shall refuse the application if the proposed development does not conform to this Bylaw

Section 21: Variance Authority

Section 56: Temporary Structures specifically 56.2:

- Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.

Section 66: Billboards

- A development permit for a billboard shall not be issued unless:

The billboard is to be located on a lot abutting Highway 12 or Highway 56 or in the Highway 12 or Highway 56 right-of-way subject to the approval of Alberta Infrastructure and Transportation;

- A billboard sign shall not:

- Be more than 3.0 m high, and not more than 6.0 m long;
- Proposed: 2.4 m high, 12 m long
- Have a maximum height above grade of more than 6.0 m;
- Proposed: 2.4 m above grade
- Have a maximum area exceeding 18 m²;
- Proposed: 30 square meters
- Not be located closer than 3.0 m to any property line;

- Not be erected, constructed, altered or used anywhere within the Town except as provided by this and other bylaws of the Town.

Section 85: C2 Commercial Highway District

- Discretionary Use: "All Permitted Uses within the Industrial District"

Section 87: I Industrial District

- Permitted Use: "Temporary Structure"

Section 95: OH Overlay Highway Design Guidelines District

Option 1:

Refuse Development Permit Application 3525-2024 based on the following reasons:

- 1) As per Section 19 of the Land Use Bylaw 2060-15, the application is for a Discretionary Use ("All Permitted Uses in I District" - "Temporary Structure") in the C2 Highway Commercial District;
- 2) As per Section 66 of the Land Use Bylaw 2060-15, the location of the billboard is not abutting Hwy 12;
- 3) The application does not meet the intent of the C2: Highway Commercial District.
- 4) The application does not meet the intent of the OH: Overlay Highway Design Guidelines District.

Option 2:

Approve Development Permit Application 3525-2024 with the following conditions:

- 1) The Development Permit is valid for a 12 month period at which time the applicant can apply to renew;
- 2) The proposed development (Temporary Structure: Metal Freight Container) shall be abutting the principal building;
- 3) The owner/applicant shall ensure the temporary structure (metal freight container) is finished to a new standard matching the existing building and metal freight container.
- 4) The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
- 5) The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
- 6) Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
- 7) The applicant must ensure that the temporary structure is maintained in good repair and do not become in a state that constitutes a nuisance under the Town of Stettler Nuisance Bylaw 1945-07;
- 8) The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;

Option 3:

Approve Development Permit Application 3525-2024 with the following conditions:

- 1) The Development Permit is valid for a 12 month period at which time the applicant can apply to renew;
- 2) The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
- 3) The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
- 4) Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
- 5) The applicant must ensure that the temporary structure is maintained in good repair and do not become in a state that constitutes a nuisance under the Town of Stettler Nuisance Bylaw 1945-07;
- 6) The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;

Discussion

Discussion ensued regarding current placement and appearance of the structure. Committee members concluded that if approved the structure is required to be relocated along the east side of the building due to visibility from Highway 12 and consistency with previous approvals.

Councillor Gord Lawlor questioned the applicant's concern regarding delivery trucks maneuvering around the building if the seacan were to be relocated. The lot allows for ample space for trucks to turn and unload at the rear of the building.

Discussion shifted to the request for a billboard. Councillor Gord Lawlor stated that a billboard of the proposed size and in the location cannot be permitted however a portable side along the road would be a solution.

Councillor Kurt Baker questioned the condition of painting the structure due to the financial commitment, especially if they are only expecting it to remain for a year. Committee members agreed that it is a financial commitment however to remain consistent with previous approvals the condition should remain.

Discussion ensued regarding compliance of the permit conditions and permit expiration. Planning and Operations Clerk Maddie Standage advised a condition could be included with a deadline to ensure the conditions are met. Further discussion concluded to remain consistent with previous approvals a 24 month timeline would be permitted.

Moved by Councillor Gord Lawlor to approve the application under Option 2 of the Request for Decision with the following conditions changed/included; (1) allow the structure for 24 months; (2) painted and moved by November 1, 2024.
MOTION CARRIED
Unanimous

8. The meeting adjourned at 8:59 a.m. on a motion by Councillor Kurt Baker.